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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,831	06/21/2001	John Joseph Curro	8592	8078

27752 7590 12/13/2002

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EXAMINER

PIERCE, JEREMY R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,831

Applicant(s)

CURRO ET AL.

Examiner

Jeremy R. Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, 11-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cockburn (WO 97/06073).

Cockburn discloses first and second webs joined to one another in a face-to-face relationship with an elongated thermal bond on the sides (page 10, 2<sup>nd</sup> paragraph and Figure 2). Between the two layers is an area that can contain food condiments (page 1, 2<sup>nd</sup> paragraph). The bond site would naturally fracture upon the application of a sufficient force in the transverse direction. With regard to claims 2, 8, and 15, the two parallel bond sites that run along the edges of the sachet would make up a plurality of bond sites. With regard to claims 3, 9, and 16, those two bond sites would be oriented in the same direction. The fact that there may be more bond sites that are not oriented in the same direction (i.e. the bond sites that seal the other parallel edges) is not precluded in the claims. With regard to claims 5, 6, 11, 12, 18 and 19, the webs are plastic films (abstract). With regard to claims 13 and 20, no adhesive is used to bond the films.

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3. Claims 1-4, 6-10, 12-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Friemel et al. (U.S. Patent No. 4,597,218).

Friemel et al. disclose a sachet for pest control (abstract). Two webs are bonded face-to-face with a pest control agent in-between (column 7, line 63 – column 8, line 52 and Figure 6). The sealed edges would produce bonding areas that are longer than they are wide. With regard to claims 2, 8, and 15, the two parallel bond sites that run along the edges of the sachet would make up a plurality of bond sites. With regard to claims 3, 9, and 16, those two bond sites would be oriented in the same direction. The fact that there may be more bond sites that are not oriented in the same direction (i.e. the bond sites that seal the other parallel edges) is not precluded in the claims. With regard to claims 4, 6, 10, 12, 17 and 19, Friemel et al. disclose the webs are nonwoven (abstract). With regard to claims 13 and 20, Friemel et al. disclose the webs may be joined via adhesive or thermal bonding (column 6, lines 47-49).

4. Claims 1-4, 6-10, 12-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson et al. (U.S. Patent No. 4,876,023).

Dickinson et al. disclose a nonwoven sachet that contains a detergent composition (column 1, lines 43-55). The sachet is created with a heat seal to bond the edge (column 10, lines 1-19), which would create a bonded region with an aspect ratio of at least 2. With regard to claims 2, 8, and 15, the two parallel bond sites that run along the edges of the sachet would make up a plurality of bond sites. With regard to claims 3, 9, and 16, those two bond sites would be oriented in the same direction. The fact that there may be more bond sites that

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are not oriented in the same direction (i.e. the bond sites that seal the other parallel edges) is not precluded in the claims. With regard to claims 4, 6 10, 12, 17 and 19, Dickinson et al. disclose the webs are nonwoven (abstract). With regard to claims 13 and 20, although Dickinson et al. prefer using adhesive to bond the seal (column 3, lines 19-21), they also disclose making the sachet without adhesive (column 9, line 51 –column 10, line 19).

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 and 21-23 of copending Application No. 09/584,676. Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-3, 6-9, 12-16, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 09/886,830. Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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8. Claims 1-3, 6-9, 12-16, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 09/886,740. Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 1-3, 6-9, 12-16, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 09/886,828. Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 09/886,893. Although the conflicting claims are not

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identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Claims 1-4, 6-10, 12-17, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 09/886,730.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claims 1-4, 6-10, 12-17, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 09/886,829.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims are directed to similar inventions with little difference in limitations. Both claims are directed to first and second webs



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bonded to one another in a face-to-face relationship with a third material being disposed between the first and second bonded webs.

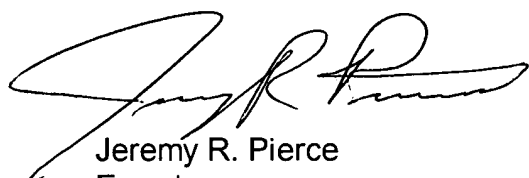
This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703) 605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

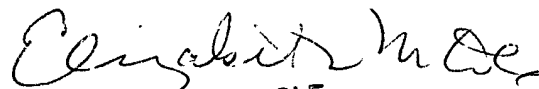
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jeremy R. Pierce  
Examiner  
Art Unit 1771

December 9, 2002



ELIZABETH M. COLE  
PRIMARY EXAMINER